



# THE ATTORNEY GENERAL OF TEXAS

CRAWFORD C. MARTIN  
ATTORNEY GENERAL

AUSTIN, TEXAS 78711

February 2, 1972

Honorable Robert J. Seerden  
Criminal District Attorney  
Victoria County Courts Bldg.  
Victoria, Texas 77901

Opinion No. M-1064

Re: Whether the Texas  
Election Code, Section  
50c, requires the dist-  
rict clerk to report to  
the registrar of voters  
felony convictions re-  
sulting in probated  
sentences.

Dear Mr. Seerden:

You have requested the opinion of this office whether Sub-  
division 3 of Section 50c of the Texas Election Code requires  
that the district clerk report to the registrar of voters felony  
convictions in which the accused receives a probated sentence.  
Section 50c is a temporary provision enacted by the 62nd Legis-  
lature (Acts 62nd Leg., R.S. 1971, ch. 827, p. 2509, 2519) and  
will become a permanent amendment of the Texas Election Code up-  
on the occurrence of events outlined in Section 23 of the amend-  
atory act <sup>1</sup> (none of which are related to this opinion). Section  
50c is codified as Vernon's Election Code, Article 5.18c.

This office has previously concluded that a person who has  
been found guilty of a felony offense and given a probated sent-  
ence has been convicted. Attorney General's Opinion No. M-640  
(1970). Such a person is prohibited from voting by Vernon's  
Election Code, Article 5.01, until the probated sentence is set  
aside as authorized by Article 42.12, Section 7, Vernon's Code  
of Criminal Procedure. Attorney General's Opinion No. M-795  
(1971).

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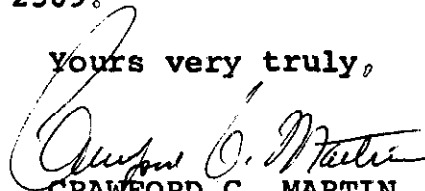
<sup>1</sup> Note that Subdivision 4 of Section 50c states that the  
requirements of Subdivision 3 apply only to those felony convic-  
tions which occur on or after October 1, 1972.

The obvious purpose of Section 50c is to require the proper officials to report to the registrar of voters all deaths, judgments of mental incompetency, and felony convictions so that the registrar can remove unqualified voters from the list of registered voters. Since a person convicted of a felony and serving a probated sentence is ineligible to vote, our opinion is that the language of Subdivision 3 of Section 50c requiring that " . . . the clerk of each court having jurisdiction of the trial of felony crimes shall furnish to the registrar an abstract of each unappealed conviction for a felony crime and of each final conviction in appealed cases . . ." includes those convictions in which probation is assessed.

CONCLUSION

Beginning October 1, 1972, the district clerk is required by Article 50c, Texas Election Code, to report to the registrar of voters those felony convictions in which probated sentences are assessed, as well as other felony convictions, unless this requirement expires as provided in Acts 62nd Leg., R.S. 1971, ch. 827, p. 2509.

Yours very truly,

  
CRAWFORD C. MARTIN  
Attorney General of Texas

Prepared by Roland Daniel Green, III  
Assistant Attorney General

APPROVED:  
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